



Administrative Report

To: Warden MacDonald and Members of Essex County Council

From: David Sundin, BA (Hons), LL.B., Director, Legislative and Legal Services/County Solicitor

Date: Wednesday, June 4, 2025

Subject: Transfer of a Portion of County Road 42 to the City of Windsor

Report #: 2025-0604-LLS-R28-DMS

Purpose

The purpose of this Administrative Report (the "**Report**") is to provide County Council with the necessary information to authorize Administration to complete the transfer of legal title of the Roadway (as defined below) to the City of Windsor.

Background

Effective as of January 1, 2003, and pursuant to the terms of a Boundary Adjustment Agreement, certain portions of land in the Town of Tecumseh and in the County of Essex were annexed by the City of Windsor. The Boundary Adjustment Agreement provided, among other things as follows:

10.5 All real property, including but not limited to any roadways, bridges, street fixtures, easements and restrictive covenants running with the County land located in the annexed lands, vests in the City which will assume ownership and control and responsibility for the maintenance and repair of these as of the effective date or as otherwise agreed to by the municipalities.

The lands annexed by the City included a portion of County Road 42, which is now proposed to be legally described as follows:

Part of Lots 97 to 103, inclusive, Concession 3, part of Lot 17, Concession 7, designated as Part 1 on Plan 12R30025;

Part of Lots 103 to 113, inclusive, Concession 3 (McNiff's), part of Road Allowance between Lots 109 and 110, part of Road Allowance

between Townships of Sandwich South and Sandwich East, designated as Part 1 on Plan 12R30018;

Part of Lots 120 to 126, inclusive, Concession 3, part of Road Allowance between Township of Sandwich South and Sandwich East, designated as Part 1 on Plan 12R30014;

Part of Lot 126, Part of Lot 127, Part of Lot 137, Part of Lot 138, Concession 3, part of Road Allowance between Townships of Sandwich South and Sandwich East, designated as Part 1 on Plan 12R30010; Windsor

The property described above bears PIN 01408-1293 (the "**Roadway**") in Ontario's Land Title's system. Attached to this Report as **Appendix A** is a copy of the Parcel Register Abstract for the Roadway.

The Ministry of Municipal Affairs and Housing, in a Minister's Order, dated December 5, 2002, identified that a number of properties, including the Roadway, were to be transferred to the City. For some unknown reason, despite the Agreement and the Minister's Order, the Roadway was never formally transferred to the City, and remains in the name of the County.

For ease of reference, **Figure 1** below depicts the Roadway:

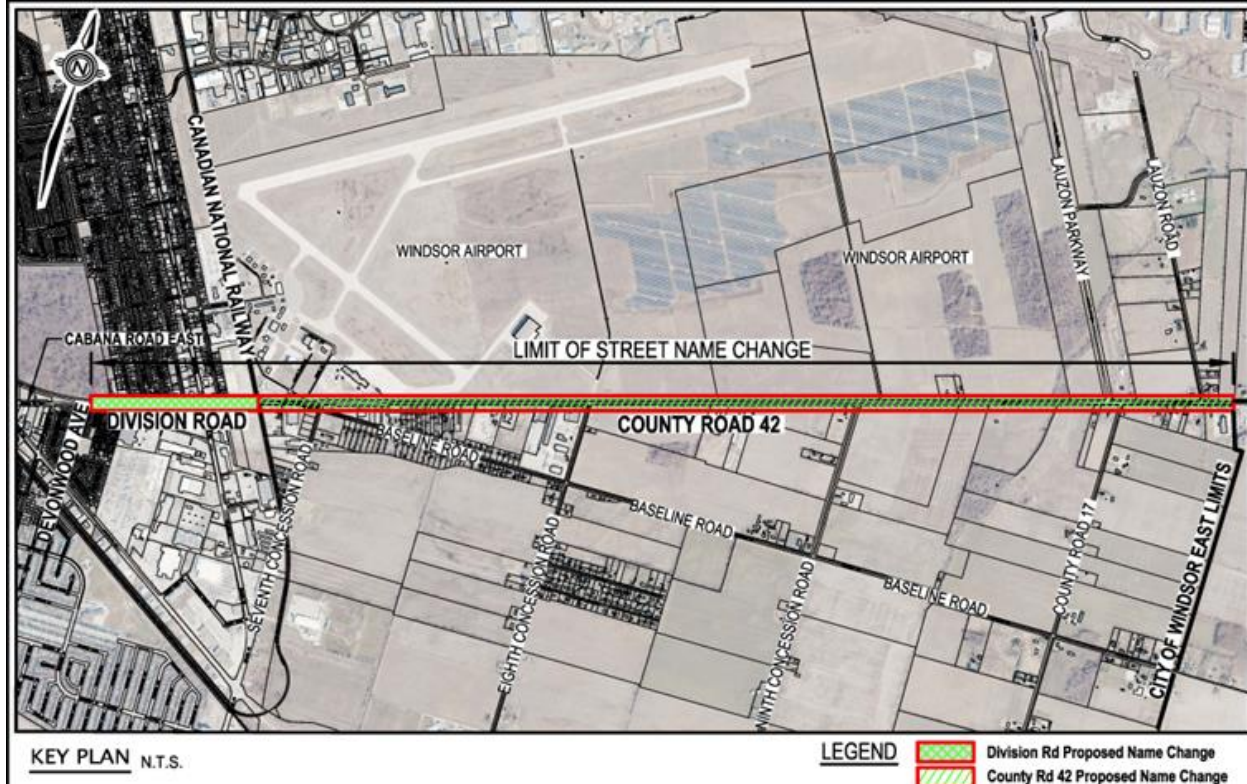


Figure 1

In or about September of 2024 City Council instructed its Administration to formally change the name of County Road 42 within City limits to Cabana Road East. It was at that time that City Administration realized that the Roadway had not been transferred from the County to the City as required by the Boundary Adjustment Agreement and the Minister's Order.

Discussion

The County was required to transfer the Roadway to the City in or about 2003, but through inadvertence the transfer was never completed. Now that the County has learned of the error, it should take the necessary steps to transfer the Roadway to comply with the Boundary Adjustment Agreement and the Minister's Order.

Financial Implications

There are no financial implications for the transfer of the Roadway, with only nominal registration fees being required to complete the transfer.

Consultations

Prior to preparing this Report consultations were held with the City's legal department and Claire Bebbington, the Deputy County Solicitor.

Strategic Plan Alignment

Working as Team Essex County	Growing as Leaders in Public Service Excellence	Building a Regional Powerhouse
<input type="checkbox"/> Scaling Sustainable Services through Innovation <input type="checkbox"/> Focusing "Team Essex County" for Results <input type="checkbox"/> Advocating for Essex County's Fair Share	<input type="checkbox"/> Being an Employer with Impact <input type="checkbox"/> A Government Working for the People <input checked="" type="checkbox"/> Promoting Transparency and Awareness	<input type="checkbox"/> Providing Reliable Infrastructure for Partners <input type="checkbox"/> Supporting Dynamic and Thriving Communities Across the County <input type="checkbox"/> Harmonizing Action for Growth <input type="checkbox"/> Advancing Truth and Reconciliation

Recommendation

That Essex County Council receive Report Number 2025-0604-LLS-R28-DMS, Transfer of a Portion of County Road 42 to the City of Windsor as information; and,

That Council approve the transfer of the Roadway to the City of Windsor, and authorize the Warden and the Clerk to execute such documents as may be required to effect said transfer.

Approvals

Respectfully Submitted,

David M. Sundin

David Sundin, BA (Hons), LL.B., Director, Legislative and Legal Services/County Solicitor

Concurred With,

Justin Lammers

Acting Chief Administrative Officer

Appendix	Title
A	Parcel Register Abstract